

Remarks

Claims 1-9, 11, 12 and 14-21 are pending.

Claims 1, 3 and 9 are amended.

Claim 8 is original.

Claims 2, 4-7, 11, 12, 14-17 and 20-23 are as previously presented.

As requested in the present Action, claim 1 is amended to insert the term "layer" in line 6 between the words "material" and "having", claim 3 is amended to insert the term "layer" in line 3 after the word "index" and also in line 3 to insert the phrase "between the high and low" after the word "difference", and claim 9 is amended to insert the term "layer" in line 7 between the words "material" and "having".

Claim 3 is further amended to delete the word "component" in line 2 and to insert in its stead the phrase "dielectric material layer". Support is found in claim 1.

Claim 9 is further amended to delete the superfluous repetition of the word "pigment" in line 1 and to delete from lines 8 and 12 material related to a "semi-transparent metal layer" wherein the metal is "selected from Cr, Mo, W, Al, Cu, Ag, Au and Ni".

No new matter is added.

Claim Objections / Rejections

Claims 1, 3 and 9 were objected to for informalities as stated on page 2 of the present Action. Applicants respectfully submit that the amendments above have addressed and remedied the informalities in accordance with the Action and kindly ask that the objections be withdrawn.

Claim 3 is rejected under 35 USC 112 second paragraph as the term "the component" lacked sufficient antecedent basis. The amendments above replace "component" with the specific term "dielectric material layer" as found in instantly amended claim 1 from which claim 3 depends.

Applicants respectfully submit that the 35 USC 112 rejections of claim 3 have been addressed and are overcome and kindly ask that the rejections be withdrawn.

All claims are rejected or provisionally rejected for double patenting or non-obviousness type double patenting as described in section 5 of the Action over US Pat. 7,256,425 and 7,273,522 and US Pat Appl. No. 10/524,457, 10/531,483, 10/533,575 and 10/530,098. A terminal disclaimer over each of these patents and applications is attached. Vogt, et.al., US 6,238,471 is combined with US Pat Appl. No. 10/524,457 to reject claim 7 and Schmid, US 5,624,468 is combined with US Pat Appl. No. 10/524,457 to reject claim 8, however, Applicants respectfully submit that neither Vogt nor Schmid alone renders the claims obvious.

Applicants therefore kindly ask that all double patenting and non-obviousness type double patenting rejections be withdrawn.

Claims 1, 3-6, 9-16, 20, 22 and 23 are rejected under 35 USC 102(e) as being anticipated by Bujard et.al., US Published Pat Appl 2006/0165620, which shares, as noted by the Examiner, a common inventor with the instant application. Attached is a Declaration under rule 132 signed by the common inventor Patrice Bujard stating that he is the inventor of the relevant portions of the material disclosed but not claimed in US 2006/0165620.

Applicants therefore kindly ask that the 35 USC 102(e) rejections over Bujard et.al., US Published Pat Appl 2006/0165620 be withdrawn.

Claims 9 and 12 are rejected under 35 USC 102(e) as being anticipated by Coulter et.al., US 6,586,098 which discloses a pigment comprising a silicon dioxide layer and an aluminum layer and other possible layers. Applicants assume that the examiner meant to reject claim 20, which is dependent on claim 9, and not claim 12, which is dependent on claim 1.

Applicants respectfully traverse the rejections.

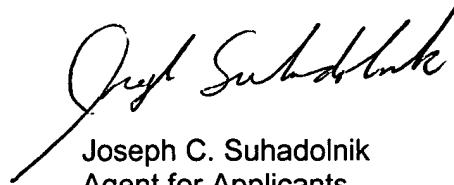
Claim 9 is amended to exclude the semi-transparent metal layer which may be aluminum. Applicants respectfully submit that no overlap exists between claim 9 and the cited art.

Applicants therefore kindly ask that the 35 USC 102(e) rejections over by Coulter et.al., US 6,586,098 be withdrawn.

Applicants respectfully submit that in light of the amendments and discussion above and the attached declaration and disclaimers, all objections and rejections are overcome and kindly ask that all objections and rejections be withdrawn and claims 1-9, 11, 12, 14-17 and 20-23 be found allowable.

In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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Attachments: Declaration under 132 of Bujard

Terminal disclaimer over US Pat 7,256,425

Terminal disclaimer over US Pat 7,273,522

Terminal disclaimer over US Pat Appl. No. 10/524,457,

Terminal disclaimer over US Pat Appl. No. 10/531,483,

Terminal disclaimer over US Pat Appl. No. 10/533,575

Terminal disclaimer over US Pat Appl. No. 10/530,098